



REMARKS

Reconsideration in light of the foregoing amendments and remarks which follow is respectfully requested.

Claims 3-5, 7-8 and 10-12 are before the Examiner. Claim 7 has been amended to address the indefiniteness rejection. Claims 3 and 4 have been amended to address points raised in the Office Action and to delineate more clearly the contribution represented by the invention. The composition and method claims, as amended, more closely parallel each other in terms of the dopants, cerium, potassium and aluminum and oxides used.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner indicates that the expression "remixing at 15 to 30 minutes" is unclear as to whether the time period defines the duration of the remixing step or defines when the remixing step occurs relative to the first occurring step?

The claim has been amended to make clear that duration of the remixing step is for 15 to 30 minutes. Support for this change is found at page 8 in the first complete paragraph.

In light of the amendment to the claim, withdrawal of the rejection is respectfully requested.

Claims 3-5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mangold et al., JP 2000-169132 in view of the teachings taken from Chapter 6 of Handbook of Fillers (second edition) edited by Wypych, Herzig (U.S. Patent No. 4,101,499), Penneck (U.S. Patent No. 4,001,128) and Cyprien Guy et al. (U.S. Patent No. 4,886,661). Claims 3-5, 7 and 8

are rejected under 35 U.S.C. 103(a) as being unpatentable over Hemme et al., U.S. patent application Publication No. 2002/0018741 in view of the teachings taken from Chapter 6 of Handbook of Fillers (second edition) edited by Wypych, Herzig (U.S. Patent No. 4,101,499), Penneck (U.S. Patent No. 4,001,128) and Cyprien Guy et al. (U.S. Patent No. 4,886,661).

Applicants respectfully traverse both rejections.

These rejections are discussed together due to the similar issues raised.

Applicants take exception to the Examiner's findings relative to claims 4 and 7. An alternative explanation for the absence of express teachings is that the reference does contemplate the teaching of the steps required by the claims. It is requested that the rejection be withdrawn as to these claims or a suitable reference found.

Relative to the remaining claims, the Examiner has cited various references to establish the existence of 1) aluminum-doped silica (Mangold, Heme), and 2) the treatment of fillers with organosilicon compounds to facilitate dispersion into organic polymer host (Wypych). Herzig, Cyprien Guy and Penneck are also cited to show the use of other organosilicon compounds as "filler" compatibilizing agents.

It appears that the Examiner's reasons for how the claimed invention would be arrived at is by simply using the compatibilizing agents of the secondary references to impart an additional characteristic to the doped silica of the primary reference. There appears to be no reason, motivation or need for doing so except that which is provided in Applicants' specification. There is no indication in Mangold et al., or Heme of a need for a organosilicon coating or any other type of coating to obtain an additional characteristic. There appears to be satisfaction with the taught product.

In contrast, here, Applicants have shown unexpected results for the disclosed surface modified, aerosol doped pyrogenic metal/metalloid oxide. See previously submitted Rule 132 declaration (enclosed).

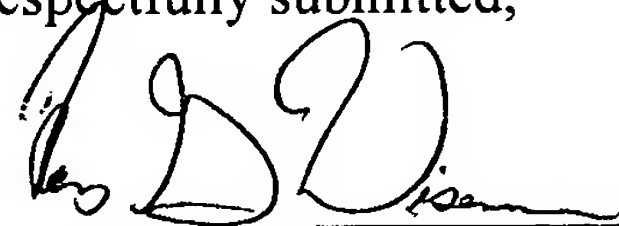
Described in the declaration is hydrophobing of potassium-doped pyrogenic silicic acid. Two products, which fall within the scope of the claims, are identified in Table 4. These surface modified pyrogenic silicic acid products are contrasted with hydrophilic pyrogenic silicic acid products (no surface modifications). See page 7 of the declaration. The use of these products in vulcanized products resulted in unexpected properties - transparency and tear resistance. See Table 6. The products are also observed as imparting extremely low viscosities and yield points. It is submitted that the claims are commensurate in scope with these showings. The claimed dopants and pyrogenic prepared oxides are disclosed as being equivalent to those exemplified in the declaration.

It is submitted that the references, taken alone or in combination do not establish a proper prima facie case. Further, should the Examiner still find a prima facie case to exist, the results shown in the Rule 132 declaration should be considered as rebutting such a case. Withdrawal of the rejection is respectfully requested.

In view of the foregoing amendments and remarks, the application is believed to be in condition for allowance and a notice to that effect is respectfully requested.

Should the Examiner not find the Application to be in allowable condition or believe that a conference would be of value in expediting the prosecution of the Application, Applicants request that the Examiner telephone the undersigned Counsel to discuss the case and afford Applicants an opportunity to submit any Supplemental Amendment that might advance prosecution and place the Application in allowable condition.

Respectfully submitted,



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